

Even considering Cox's exemption request, the grant of the application would have been routine absent the procedural objection raised by BellSouth.^{28/} Indeed, as it admitted in its Memorandum in Opposition to Motion for Summary Judgment, BellSouth had no objection to Cox being certified as a CLEC. BellSouth even had no substantive objection to the relief being requested by Cox. BellSouth's objection to Cox's request was primarily based "on the manner in which the exemption has been sought rather than on the merits of the request."^{29/} BellSouth viewed the request for exemption as an indirect attack on the new entrant unbundling rules established by the Louisiana PSC in its Regulations for Competition.^{30/}

In filing its opposition to Cox's request for summary judgment, BellSouth deliberately ignored the provisions of the 1996 Act, the FCC's rules and the Eighth Circuit's conclusions with respect to the application of unbundling requirements to non-incumbent local exchange carriers. As Cox observed in its CLEC certification filings, applying unbundling requirements to Cox prior to a determination by the FCC that Cox merited the same regulatory treatment as an

^{28/} BellSouth was the only party that intervened in Cox's certification proceeding.

^{29/} See BellSouth's Memorandum in Opposition to Motion for Summary Judgment, CC Docket No. U-22624 at 2, filed on October 16, 1997 (attached hereto in Appendix 6).

^{30/} BellSouth, however, did not make any suggestion as to the appropriate manner in which the exemption should have been presented to the Louisiana PSC. Nonetheless, it implied that this clearly improper requirement, that new entrants unbundle their network, should remain in force and specifically complained that "any TSP seeking to do business in Louisiana could make the same arguments as Cox to justify exemption from the unbundling requirements". If the PSC were to grant Cox's request, BellSouth argued, it would have no basis for denying the same relief to every other CLEC operating in Louisiana. BellSouth alternatively requested that, if the PSC was inclined to grant the exemption, Cox be granted a "temporary exemption" while further comments from interested parties would be invited. See BellSouth Memorandum in Opposition to Motion for Summary Judgment filed in Docket No. U-22624, on October 16, 1997 at 2-3.

incumbent ILEC would have been contrary to the asymmetry reflected in the provisions of Section 251 of the 1996 Act and the FCC's rules preventing states from applying ILEC regulatory obligations to CLECs providers.^{31/} It is obvious that Cox's position as a new entrant in the Louisiana telephone market is unlike the decades-long monopoly enjoyed by BellSouth and, as a result, that Cox does not meet the description of a comparable ILEC within the meaning of Section 251(h)(2).

Further, the classification of a carrier as an ILEC for the purpose of applying network unbundling requirements is within the sole jurisdiction of the FCC. This exclusive jurisdiction of the FCC has been confirmed in the FCC's *Local Competition Order*^{32/} and by the Eighth Circuit.^{33/} BellSouth had earlier requested that the Louisiana PSC apply uniform unbundling rules the state commission had established at the state level before the FCC released its *Local Competition Order* and before the release of the Eighth Circuit's opinion confirming the FCC's exclusive jurisdiction over such matters.^{34/} Indeed, BellSouth's support for the unbundling requirements undoubtedly was an anticipatory effort to impede competition at the local level in

^{31/} For example, Section 251(h)(2) read in conjunction with Section 4 of the 1996 Act gives the FCC exclusive jurisdiction to provide, by rule, for the treatment of a local exchange carrier as an ILEC, but only if (i) the carrier in question occupies a position in the market for telephone exchange service that is comparable to the position of an ILEC; (ii) such carrier has substantially replaced an ILEC; and (iii) such treatment is consistent with the public interest. Act of February 8, 1996, Pub. L. No. 104-104, 1996 U.S.C.C.A.N. (110 Stat.) 65-66. Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, *First Report and Order*, 11 FCC Rcd. 15499-15518 (1996) (the "*Local Competition Order*").

^{32/} See *Id.*, 11 FCC Rcd. at 15499-15518 (1996).

^{33/} Opinion, *Iowa Utilities Board et al. v. FCC* (8th Cir. 1997), at 103, fn. 10.

^{34/} Under Section 253(d) of the Act, state regulations that are inconsistent or in violation of the provisions of the Act are preempted.

Louisiana.^{35/} However, by the time it filed its opposition to Cox's application on September 12, however, BellSouth knew that it was contrary to the 1996 Act to press the PSC to enforce a rule that was beyond the PSC's authority to adopt. This nevertheless did not dissuade BellSouth from opposing Cox's application on this meritless procedural ground and attempting to reinforce the barriers it previously had urged on the Louisiana PSC.^{36/}

In this context, the only reasonable conclusion is that BellSouth's sole purpose in filing a notice of intervention at the last minute, requesting a full hearing and opposing Cox's efforts to have the issues raised by BellSouth dealt with promptly by summary judgment, was to delay Cox's entry into the local exchange telephone market. There can be no other explanation: BellSouth did not even attempt to provide any substantive arguments in favor of retaining the Louisiana unbundling requirement. Moreover, BellSouth actually succeeded in delaying the approval of Cox's application by the Louisiana PSC until October 22, 1997, at least sixty days beyond the normal processing time for a typical unopposed CLEC application in Louisiana.

BellSouth's initial barrier building and its more recent attempts to frustrate Cox's application are relevant to the FCC's determination with respect to the availability of Track A or

^{35/} See Comments of BellSouth filed in Docket No. U-20883 Louisiana Public Service Commission, on November 21, 1995 at 16.

^{36/} BellSouth was well aware that the effect of its intervention filing was to knock Cox's application out of streamlined processing and into an open-ended administrative hearing process. In its opposition, BellSouth again complained of Cox's desire to quickly enter the marketplace: "Unwilling to participate in the adjudicatory process, Cox seeks to bypass that process and have the Commission grant, *in summary fashion*, its request without any record evidence [*i.e.* a hearing, after discovery and a procedural schedule] and without any *formal* participation by either an Administrative Law Judge or the Commission Staff." BellSouth Memorandum in Opposition to Motion for Summary Judgement at 2.

Track B and to the public interest analysis. Together, the PSC's unbundling requirement and the opposition substantially delayed Cox's entry into the local exchange market.^{37/} Delay was important to BellSouth because, as is the case in other states, Cox represents the best potential facilities-based competitor for residential (and business) service in parts of Louisiana. In fact, Cox already has launched telephone exchange services in its Orange County, California cable cluster and in Hampton Roads, Virginia.^{38/} By the end of the year, Cox also plans to begin offering local telephone services in Omaha, Nebraska, where it would be the largest competitor to U S West.^{39/} In Louisiana, however, as a result of the delay caused by the unbundling requirement and in the processing of Cox's application, Cox Telcom was not certificated during the pendency of the proceeding before the PSC on BellSouth's Section 271 application.^{40/} The unbundling requirement urged on the PSC and defended by BellSouth in its opposition created substantial regulatory uncertainty with respect to Cox's entry into the Louisiana market and, in addition, created doubt about the timing of Cox's entry. This also necessarily delayed Cox's request for interconnection negotiations.

So long as Cox's entry was delayed, BellSouth could continue to make claims before the Louisiana PSC that there was no real prospect for facilities-based residential competition

^{37/} Cox Telcom was prepared to file its CLEC application months earlier but could not do so because of the uncertainty created by the uniform unbundling requirement that BellSouth had urged the Louisiana PSC to adopt.

^{38/} Press Releases of September 11, 1997 and October 23, 1997.

^{39/} Press Release, Sunday Sunrise Edition of July 13, 1997.

^{40/} BellSouth's objection delayed action on Cox's application until October 22, the same day that the Louisiana PSC finalized its Section 271 application recommendation.

in Louisiana. While BellSouth purportedly has filed this application under Track A, in practice it can be considered only under Track B if at all.^{41/} The grant of Cox's certification application, however, greatly complicates BellSouth's already weak Track B argument.^{42/} Specifically, grant of Cox Telcom's application eliminates BellSouth's ability to claim that there will be no facilities-based residential competition in Louisiana. In fact, just as in other markets, Cox's service will be facilities-based from the start and, given the location of Cox's existing facilities, residential service is an integral part of its business plan.

For these reasons, BellSouth's delaying tactics look suspiciously like an effort to bolster its case for Track B treatment, even as BellSouth attempts to avail itself of both Track A and Track B.^{43/} Track B is not an option for BellSouth in any event. Even assuming that Cox's application, which was filed more than three months before BellSouth

^{41/} While BellSouth argues that the presence of PCS providers satisfies Track A, there are several reasons why this is not the case. First, only competitors that provide services that fall within the definition of "telephone exchange service" under Section 3(47)(A) can qualify a BOC under Track A, and the Commission already has determined that CMRS providers do not fall within that provision. See 47 U.S.C. § 271(c)(1)(A) (requiring provision of "access and interconnection" to "competing providers of telephone exchange service (as defined in Section 3(47)(A) but excluding exchange access)"); Local Competition Order, 11 FCC Rcd 15499-500 (the "*Local Competition Order*") (holding that CMRS falls within Section 3(47)(B), but not Section 3(47)(A)). Moreover, the Commission should be wary of assertions that current PCS offerings provide residential competition. Indeed, there is no evidence that PCS yet replaces existing residential service. PCS is not currently used in the same way as traditional residential service. Most pricing and other aspects of PCS show that, at least for now, it is positioned to compete primarily with cellular, not landline, service.

^{42/} The existence of other potentially facilities-based carriers in Louisiana, such as ACSI, American MetroComm, ITC DeltaCom and KMC Telecom, is further evidence that Track B is not available.

^{43/} See BellSouth Brief at 21. BellSouth has made a similar effort in its South Carolina application. Of course, Track A and Track B are mutually exclusive.

sought Section 271 authority from the FCC, would not be relevant to the Track B inquiry, several other carriers have expressed their intent to provide facilities-based competition, have negotiated interconnection agreements with BellSouth and were in the process of becoming operational at the time of the BellSouth application.^{44/} These facts alone are sufficient to prevent BellSouth from invoking the procedures of Track B to obtain interLATA relief in Louisiana. This conclusion is only bolstered by Cox's Louisiana certification and its consistent efforts to enter local telephone markets where it has cable clusters, in particular in Louisiana, even without considering the efforts of other parties,

Finally, BellSouth's opposition to Cox's application on an unfounded procedural basis belies BellSouth's claim of welcoming competition in the Louisiana local telephone market. The gratuitous delay caused directly by BellSouth violates the principles of Section 251, under which BOCs are required to take reasonable steps to open the local exchange market.^{45/} Such behavior should be highly relevant to the FCC's public interest analysis and weigh heavily against grant of BellSouth's Section 271 authorization at this time.

^{44/} See BellSouth Brief at 17-20; *see also* Joint Post-Hearing Brief of Louisiana Cable Telecommunications Association and Cox Fibernet Louisiana, Inc., Docket No. U-22252, at 5.

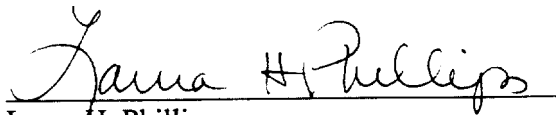
^{45/} *Oklahoma Order* at ¶ 44.

V. CONCLUSION

As shown above, BellSouth has not yet met Section 271 requirements in Louisiana and, therefore, the FCC cannot grant BellSouth's application.

Respectfully submitted,

COX COMMUNICATIONS, INC.

A handwritten signature in cursive script, reading "Laura H. Phillips", is written over a horizontal line.

Laura H. Phillips
J.G. Harrington
Cécile G. Neuvens

Its Attorneys

Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, N.W., Suite 800
Washington, D.C. 20036-6802
(202) 776-2000

November 25, 1997

CERTIFICATE OF SERVICE

I, Cornelia R. DeBose, a secretary with the law firm of Dow, Lohnes & Albertson, hereby certify that a true and correct copy of the foregoing ***COMMENTS OF COX COMMUNICATIONS, INC.*** was served this 25th day of November, 1997 via United States first-class mail, postage prepaid, upon the following:

Counsel for BellSouth Corporation

Walter H. Alford
William B. Barfield
Jim O. Llewellyn
1155 Peachtree Street, NE
Atlanta, GA 30367

David G. Frolio
1133 21st Street, NW
Washington, DC 20036

Gary M. Epstein
Latham & Watkins
1001 Pennsylvania Avenue, NW
Washington, DC 20004

Counsel for BellSouth Long Distance, Inc.

James G. Harralson
28 Perimeter Center East
Atlanta, GA 30346

Counsel for BellSouth Corporation,
BellSouth Telecommunications, Inc.,
and BellSouth Long Distance, Inc.

Michael K. Kellogg
Austin C. Schlick
Kevin J. Cameron
Jonathan T. Molot
Kellogg, Huber, Hansen,
Todd & Evans, PLLC
1301 K Street, NW, Suite 1000 West
Washington, DC 20005

Counsel for BellSouth
Telecommunications, Inc.

Margaret H. Greene
R. Douglas Lackey
Michael A. Tanner
Stephen M. Klimacek
675 W. Peachtree Street, NE, Suite 4300
Atlanta, GA 30375

Federal Communications Commission

Magalie Roman Salas, Esq.*
Acting Secretary
Federal Communications Commission
1919 M Street, NW, Room 222
Washington, DC 20554
(Original + 11 copies)

Janice Myles*
Policy and Program Planning Division
Common Carrier Bureau
Federal Communications Commission
1919 M Street, NW, Room 544
Washington, DC 20554
(5 copies)

U.S. Department of Justice

Donald J. Russell*
U.S. Department of Justice
Antitrust Division, City Center Building
1401 H Street, NW, Suite 8000
Washington, DC 20530
(5 copies)

Joe Klein*
Acting Assistant U.S. Attorney
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Louisiana Public Service Commission

Brian Eddington, General Counsel
Louisiana Public Service Commission
1 American Place
Baton Rouge, LA 70825

Ms. Susan Cowart
Administrative Hearings Division
Louisiana Public Service Commission
1 American Place
Baton Rouge, LA 70825

Lawrence C. St. Blanc
Louisiana Public Service Commission
1 American Place
Baton Rouge, LA 70825

* Delivered by hand.

International Transcription Service

ITS *
1231 20th Street, NW
Washington, DC 20036


Cornelia R. DeBose

APPENDIX I

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

Application by BellSouth Corporation,)
BellSouth Telecommunications, Inc.,)
and BellSouth Long Distance, Inc. for) Docket No. CC-97-208
Provision of In-Region, InterLATA)
Service in South Carolina)

**COMMENTS OF INTERMEDIA COMMUNICATIONS INC.
IN OPPOSITION TO THE REQUEST FOR
IN-REGION, INTERLATA RELIEF**

Jonathan E. Canis
Enrico C. Soriano
KELLEY DRYE & WARREN LLP
1200 19th Street, N.W.
Suite 500
Washington, D.C. 20036
(202) 955-0600
(202) 955-9792 (facsimile)

**Attorneys for Intermedia
Communications Inc.**

October 20, 1997

D. BellSouth's Refusal to Pay Mutual Compensation for Local Internet Traffic Renders BellSouth Noncompliant with the Interconnection and Mutual Compensation Provisions of Section 271.

Sections 271(c)(2)(B)(i) and 271(c)(2)(B)(xiii) govern BellSouth's obligations with respect to interconnection, reciprocal exchange of traffic, and mutual compensation. The record in this proceeding will demonstrate that BellSouth does not comply with these obligations.

In a letter dated August 12, 1997⁸³ BellSouth informed Intermedia that it will refuse to pay mutual compensation for local calls terminated to ISPs located on Intermedia's network. Intermedia's interconnection agreement with BellSouth contains the broad provision that "[e]ach party will pay the other for terminating its local traffic on the other's network. . . ."⁸⁴ "Local traffic" is defined as "any telephone call that originates in one exchange and terminates in either the same exchange, or a corresponding Extended Area Service ("EAS") exchange."⁸⁵ The interconnection agreement does not exclude local calls to Internet service providers, does not limit or restrict the definition of local calls or BellSouth's obligation to provide mutual compensation for them, and contains no discussion of local calls to ISPs. During the negotiations between BellSouth and Intermedia that resulted in their interconnection agreement, BellSouth never once raised the issue of excluding local calls to ISPs from mutual compensation. Similarly, to date, BellSouth has

⁸³ Letter from E.L. Bush to All Competitive Local Exchange Carriers (Aug. 12, 1997) ("Bush Letter") (attached hereto and incorporated herein by reference as EXHIBIT 10).

⁸⁴ Intermedia-BellSouth Interconnection Agreement, at 3.

⁸⁵ Intermedia-BellSouth Interconnection Agreement, at 2.

Intermedia Communications Inc.
BellSouth Telecommunications, Inc.
South Carolina

never proposed any means by which such local calls could be identified, distinguished from other local calls, and excluded from the measure of local traffic that is subject to mutual compensation.

Moreover, Intermedia has been paying mutual compensation rates for traffic that it terminates on BellSouth's network without regard to whether those calls are made to ISPs or other customers on the BellSouth network. Intermedia has reason to believe that it has in fact been paying compensation to BellSouth for calls terminated to ISPs on the BellSouth network. Indeed, the wording of BellSouth's August 12 letter suggests as much:

Every reasonable effort *will be made* to insure that ESP traffic does not appear on our bills and such traffic should not appear on your bills to us. *We will work with you on a going forward basis* to improve the accuracy of our reciprocal billing processes. The ESP category includes a variety of service providers such as information service providers (ISPs) and internet service providers, among others.⁸⁶

The BellSouth letter, therefore, strongly indicates that BellSouth has been paying--and receiving--mutual compensation for local calls to ISPs in the past, and indicates that exclusion of such traffic from mutual compensation was not the practice or the intent of BellSouth prior to August 12.

This conclusion is also supported in the testimony on the record in the Florida Section 271 proceeding. When questioned about BellSouth's current business practices, BellSouth witness Varner admitted that, when BellSouth's own customers make calls to ISPs

⁸⁶

Bush Letter (emphases added).

located on BellSouth's network, the calls are treated as local calls, and are charged at R1 and B1 rates out of BellSouth's local services tariff.⁸⁷

The fact that no discussion of excluding local calls to ISPs was ever conducted with Intermedia prior to BellSouth's August 12 letter,⁸⁸ and BellSouth's documented business practices, establish a *prima facie* case that no such restriction was contemplated by BellSouth and Intermedia at the time the interconnection agreement was signed, or during the time it was implemented. As a result, on the basis of the record in this proceeding, the Commission must conclude that BellSouth fails to meet its interconnection and mutual compensation obligations under Sections 271(c)(2)(B)(i) and 271(c)(2)(B)(xiii) of the 1996 Act. The record is *prima facie* case that BellSouth is refusing to pay mutual compensation for local traffic in violation of items (i) and (xiii) of the Competitive Checklist. Until this matter is finally adjudicated, the Commission cannot find that BellSouth meets its obligations under checklist items (i) and (xii) of the Competitive Checklist.

In addition, BellSouth's unilateral refusal to pay mutual compensation for local calls to ISPs violates the terms of the BellSouth-Intermedia interconnection agreement. The interconnection agreement negotiated between BellSouth and Intermedia--and approved by the

⁸⁷ Varner Testimony, Florida Hearing Transcript, at 339 (excerpts are attached hereto and incorporated herein by reference as **EXHIBIT 9**).

⁸⁸ It is interesting to note that only recently has BellSouth begun to assert that it is not obligated to pay mutual compensation for ISP-bound local traffic. For example, nowhere in the supporting testimony filed by BellSouth in the Georgia Section 271 proceeding was there any mention of ISP-related issues. Similarly, Intermedia is unable to find references to ISP mutual compensation issues in the supporting testimony filed by BellSouth in the Alabama Section 271 proceeding.

APPENDIX 2

RECEIVED

AUG 04 1997

Before The
LOUISIANA PUBLIC SERVICE COMMISSION
Baton Rouge, Louisiana 70825

LOUISIANA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE HEARINGS DIVISION

EX PARTE

DOCKET NO. U-22252

IN RE: LOUISIANA PUBLIC SERVICE COMMISSION, EX PARTE, IN RE: CONSIDERATION AND REVIEW OF BELL SOUTH'S PREAPPLICATION COMPLIANCE WITH SECTION 271 OF THE TELECOMMUNICATIONS ACT OF 1996. INCLUDING BUT NOT LIMITED TO THE FOURTEEN REQUIREMENTS SET FORTH IN SECTION 271(C)(2)(B) IN ORDER TO VERIFY COMPLIANCE WITH SECTION 271 AND PROVIDE A RECOMMENDATION TO THE FEDERAL COMMUNICATIONS COMMISSION REGARDING BELL SOUTH'S APPLICATION TO PROVIDE INTERLATA SERVICES ORIGINATING IN-REGION.

LIST OF POTENTIAL COMPLICATIONS REGARDING BELL SOUTH TELECOMMUNICATION, INC.'S OPERATIONAL SUPPORT SYSTEMS

NOW BEFORE THIS HONORABLE COMMISSION, comes Cox Fibernet Louisiana, Inc. ("Cox Fibernet"), through undersigned counsel, who submits the following in response to the Commission's Order of July 28, 1997 ("Order"). Specifically, Paragraph 4 of the Order requests complications regarding BellSouth Telecommunication, Inc.'s ("BellSouth") Operational Support Systems ("OSS"). A technical demonstration to address these complications is scheduled for Wednesday, August 13, 1997.

Cox affiliates in other states have experienced serious problems with various aspects of the OSS of other RBOCs, and anticipate some of these complications in BellSouth's OSS. The following inquiries/requests are the direct result of such complications. Therefore, the following inquiries/requests are both responsive to the Order and extremely pertinent to the technical demonstration to be held on August 13, 1997. Cox Fibernet requests that all questions

herein be answered and that all requests for demonstration be additionally addressed at the August 4, 1997 technical presentation.

911 Emergency Reporting System

1. How does a CLEC put new customer entries into BellSouth's 911 database? On August 13, 1997, please demonstrate this process.
2. What kind of confirmation does the CLEC receive from BellSouth that the 911 entry has been received and put into BellSouth's database? On August 13, 1997, please demonstrate the confirmation process.
3. What are the time frame commitments for CLEC entries into BellSouth's 911 database? Does this time commitment vary with the number of entries per order? What constitutes an order? How are multiple orders in the same day treated with respect to time frames for entry into the BellSouth 911 database? Is each order given a separate time commitment or are all orders within a certain time frame treated as one order?
4. Is the time commitment for filing an order for one CLEC in one state affected by the actions of any other CLECs in the same state or in other states? What factors influence this time commitment?
5. What are BellSouth's internal commitments/standards for entry of its customers into the 911 database? What kind of internal confirmation process does BellSouth use to ensure that orders are entered correctly? Does a process such as this exist with CLEC entries? If not, why not? On August 13, 1997 please demonstrate the 911 entry and confirmation process as it applies to BellSouth.
6. Where a BellSouth NXX serves an area covered by two different Public Safety

Answering Position or "PSAP" jurisdictions, there is typically an agreement on routing these cross-jurisdictional calls. How is this information shared with CLECs? On August 13, 1997, please demonstrate how this information is accessed by BellSouth and how this information is accessed by CLECs.

Directory Listings

7. When a CLEC gives BellSouth a new directory listing for a brand new customer, how long does it take before that customer is listed in the directory/directory assistance listings? If the answer is different for directory information versus directory assistance information, so note. Does this vary with the number of entries per order? What constitutes an order? How are multiple orders in the same day treated with respect to time frames for entry into the BellSouth directory/directory assistance database (is each order given a separate time commitment or are all orders within a certain time frame). On August 13, 1997, please demonstrate how new directory listings and directory assistance listings are entered into BellSouth databases for CLEC customers.
8. Is the time commitment for filing an order for one CLEC in one state affected by the actions of any other CLECs in the same state or in other states? What factors influence this time commitment?
9. How long does it take for a BellSouth customer listing to appear in the directory/directory listings database after the customer places the order? Does this vary by the number of customers ordering during a given time frame? On August 13, 1997, please demonstrate how new directory listings and directory assistance listings are entered into BellSouth databases for CLEC customers.

10. When a CLEC gives BellSouth information on a customer requesting an unpublished number, does BellSouth require that the phone number be provided for that customer? If so, why? On August 13, 1997, please demonstrate how BellSouth ensures requests by CLECs for unpublished numbers are not published or offered to the public through directory assistance.
11. When a CLEC gives BellSouth a listing for a new CLEC customer who was formerly a BellSouth customer, what process does BellSouth go through to delete the BellSouth listing from its directory records? On August 13, 1997, please demonstrate this process.

Number Portability


12. What is required for a CLEC to obtain a ported number from BellSouth using Remote Call Forwarding? Does BellSouth require direct acknowledgment from the customer prior to accepting the order? What time frame does BellSouth provide on the commitment to provide interim number portability using remote call forwarding? Does this vary with the number of entries per order? What constitutes an order? How are multiple orders in the same day treated with respect to time frames for entry into the BellSouth directory/directory assistance database (is each order given a separate time commitment or are all orders within a certain time frame) treated as one? On August 13, 1997, please demonstrate how a CLEC obtains a ported number from BellSouth using Remote Call Forwarding.
13. Is the time commitment for filing an order for one CLEC in one state affected by the actions of any other CLECs in the same state or in other states? What factors influence this time commitment?

14. What is BellSouth's time frame for providing local Remote Call Forwarding to a BellSouth customer? On August 13, 1997, please demonstrate how BellSouth obtains a ported number from BellSouth using Remote Call Forwarding.

Ordering

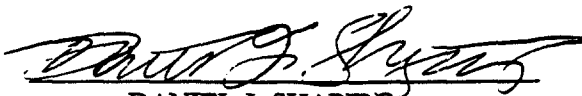
15. When a facilities-based CLEC orders interconnection facilities (e.g. ports) from BellSouth (assuming that it is already collocated), what are BellSouth's commitment time frames? What automated system exists for ordering and providing Firm Order Commitment dates?

Respectfully submitted,
**GORDON, ARATA, MCCOLLAM &
DUPLANTIS, L.L.P.**

By: 
MARTIN LANDRIEU (#18995)
DANIEL J. SHAPIRO (#23296)
1420 One American Place
Baton Rouge, Louisiana 70825
Telephone: (504) 381-9643
Counsel for COX FIBERNET LOUISIANA, INC.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on all counsel of record by depositing same in the United States Mail this 4th day of August, 1997.


DANIEL J. SHAPIRO

APPENDIX 3

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM AUGUST 20, 1997
OPEN SESSION

MINUTES OF AUGUST 20, 1997 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN BATON ROUGE, LOUISIANA. PRESENT: CHAIRMAN DON OWEN, VICE CHAIRMAN IRMA MUSE DIXON, COMMISSIONERS C. DALE SITTIG, JAMES M. FIELD AND JACK "JAY" A. BLOSSMAN, JR., ALONG WITH SECRETARY LAWRENCE C. ST. BLANC.

Open Session of August 20, 1997 convened at 9:10 A.M., adjourning at 12:00 P.M. in the Marshall Burton Brinkley Auditorium, 16th Floor, One American Place, Corner of North and Fourth Streets, Baton Rouge, Louisiana with the above-named members of the Commission and Secretary Lawrence C. St. Blanc.

- T-22411 - Louisiana Public Service Commission Vs. Dewey & Sons Towing (Alexandria, Louisiana). In re: Alleged violation of Title 45, Chapter 4 of the Revised Statutes of 1950, Sections 163.1 & 194, as amended, by failing to identify motor vehicles being operated in interstate commerce in Louisiana as required by the Commission's General Order dated September 7, 1972, as amended.

This matter was considered on the Commission's summary docket. On motion of Commissioner Owen, seconded by Commissioner Field, and unanimously adopted, the Commission voted to accept the Staff recommendation and find the Company guilty of failing to register under the Single State Registration Program and guilty of failing to have the required SERS Receipt in the vehicle and fined it in the amount of \$500.00, and ordered the \$500.00 appearance bond posted being forfeited as payment in full for the violation.

- T-22462 - Louisiana Public Service Commission Vs. R. Floyd Edwards d/b/a Magic Movers (Greenwell Springs, Louisiana). In re: Alleged violation of Title 45, Chapter 4 of the Revised Statutes of 1950 as amended, by operating for-hire by motor vehicle without authority of the Commission.

This matter was considered on the Commission's summary docket. On motion of Commissioner Owen, seconded by Commissioner Field, and unanimously adopted, the Commission voted to accept the Staff recommendation and find the Company guilty of operating intrastate without authority of the Commission in the transportation of household goods for-hire and fined it in the amount of \$250.00, with said fine being suspended due to this being the first violation of the company, and contingent upon no further violations within a six month period following the Commission's Order.

- T-22482 - Louisiana Public Service Commission Vs. Russell Sibley d/b/a AA/Budget Moving Service (Denham Springs, Louisiana). In re: Alleged violation of Title 45, Chapter 4 of the Revised Statutes of 1950 as amended, by operating for-hire by motor vehicle without authority of the Commission.

1 (UNINTELLIGIBLE) provision of Section 1.7 of the bonafide request process contained in
2 attachment B to read as follows: If at any time an agreement cannot be reached as to the terms
3 and conditions or the price of the request or if BellSouth responds that it cannot or will not offer
4 the requested item in the bonafide request and the CLEC deems the item essential to its business
5 operations and deems BellSouth's position to be inconsistent with the Act, the FCC or
6 Commission regulations and all requirements of this section, the CLEC shall have the right to
7 petition the Public Service Commission or any other court agency of competent jurisdiction to
8 resolve the item or items of disagreement. Third, that BellSouth's statement, as modified,
9 satisfies the 14 point check list in 47USC271(c)(2)(b). Fourth, because of the 8th Circuit's ruling
10 issued after the close of the period for comments in this docket, any parties may file comments
11 within 10 days on the statement as modified herein as it relates to the 8th Circuit ruling only. Our
12 general counsel should bring any other required SGAT modifications limited to those necessitated
13 by the 8th Circuit Court ruling back to the Commission for approval at our September meeting
14 which is moved to October 1st. Fifth, that the Commission finds that BellSouth long distance
15 entry into the interLATA long distance market in Louisiana is in the public interest and, finally,
16 the Commission directs general counsel and the legal division to prepare the order consistent with
17 the Commission's ruling within 10 days.

18 CHAIRMAN OWEN: That's a motion. Do we have a second?

19 COMMISSION SITTIG: I'll second it.

20 CHAIRMAN OWEN: We have a motion; we have the second. Any discussion?

21 COMMISSIONER FIELD: I just have a couple of comments. You know, contrary to my wishes,
22 the technical conference that was held, and I'm very sorry I was unable to attend because of my
23 health at that time. That really wasn't part of the record, and I understand there wasn't cross-
24 examination afforded the parties and not all parties were allowed to make a presentation, so I
25 think that needs to be considered by this Commission considering my motion as compared to
26 Commissioner Blossman's. Also, I think we -- you know, we may not like what the FCC does
27 and we may think that they're taking too much jurisdiction, but, nevertheless, they're not going to

1 reciprocal compensation agreements have come forth. Many barriers to entry have been removed,
2 and we're still in the process of doing a lot of those things to make things happen. I think we're
3 interested in stimulating incentives for network innovation and investments. I think we're
4 interested in the public interest. If you're going to refer to the technical conferences that we had,
5 people had an opportunity to come before the Commission for the benefit of the Commission so
6 that we could see certain things. Once we saw everything that needed, actually in our minds were
7 satisfied, then the conference was ended and we told people that they could submit other things in
8 writing. I think that enforcement and monitoring will be the job of the PSC. If we never start,
9 we'll never get out there to really get competition in our state. I'm one Commissioner, along with
10 others, that are interested in high quality service, full competition. That will, hopefully, ensure
11 low pricing and better services for people. I think that once things start getting stimulated, it will
12 be fully in the public interest, and I think the actions that we are taking today will get this process
13 started. So, I'm at least pleased that we are looking to do something for the public of Louisiana.

14 Thank you, Mr. Chair.

15 CHAIRMAN OWEN: Any further discussion? I'll call it to a vote. Commissioner Blossman?

16 COMMISSIONER BLOSSMAN: Yes.

17 CHAIRMAN OWEN: Commissioner Dixon?

18 VICE CHAIRMAN DIXON: Yes.

19 CHAIRMAN OWEN: Commissioner Sittig?

20 COMMISSIONER SITTIG: Yes.

21 CHAIRMAN OWEN: Commissioner Field?

22 COMMISSIONER FIELD: No.

23 CHAIRMAN OWEN: Commissioner Owen, no. I would bet cab fare to Shreveport that this will
24 be rejected by the FCC, and I suspect that Bell knows it will be rejected by the FCC and I wonder
25 why they want it to go through. If you'll go forward.

26 COMMISSIONER BLOSSMAN: What is cab fare to Shreveport?

27 VICE CHAIRMAN DIXON: Probably our salary for the month.